

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM TACON, *as administrator of*
Caribbean Commercial Investment Bank Ltd.,

Plaintiff,

v.

ROBERT CROMWELL, *and* SARIT L.
ROZYCKI,

Defendants.

No. 23-CV-8100 (KMK)

ORDER OF DISMISSAL

KENNETH M. KARAS, United States District Judge:

On September 24, 2024, the Court issued an Opinion and Order granting Defendants' Motion to Dismiss Plaintiff's Amended Complaint without prejudice. (*See generally* Opinion & Order (Dkt. No. 47).) The Court instructed Plaintiff that if he wished to file a second amended complaint, he must do so within thirty days of the Opinion & Order, and that failure to properly and timely amend would likely result in dismissal of the claims against Defendants with prejudice. (*Id.* at 35–37.) Plaintiff did not file a second amended complaint within the thirty days following the issuance of the Opinion & Order. (*See generally* Dkt.)

On October 28, 2024, the Court issued an Order to Show Cause directing Plaintiff to, within thirty days, either file a second amended complaint or show cause as to why there would be no such filing. (Dkt. No. 50.) That same day, Plaintiff's counsel filed a letter with the Court advising that Plaintiff would not be filing a second amended complaint, as Plaintiff is instead in

the process of pursuing a separate suit against Defendants in a different forum. (*See* Dkt. No. 49.)

Accordingly, it is hereby:

ORDERED that Plaintiff's Complaint is dismissed without prejudice. *See Turk v. Rubbermaid Inc.*, No. 21-CV-270, 2022 WL 1228196, at *1 (S.D.N.Y. Apr. 26, 2022) ("The Court has the authority to dismiss a case . . . if a plaintiff 'fails to prosecute. . . .'"); *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (recognizing that a district court has the inherent authority to dismiss for failure to prosecute sua sponte).

The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to Plaintiff's address.

SO ORDERED.

DATED: November 4, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE